IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.393 OF 2005

J. Ramdas ..Petitioner.

Vs.

The Presiding Officer,
National Industrial Tribunal,
Mumbai & anr. ..Respondents.

...

Mr. Jayprakash Sawant for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

14th February, 2005.

P.C. :

The Petitioner who was a Senior Accountant in Indian Airlines Limited was proceeded against departmentally on a charge of misappropriation. After enquiry, the officer submitted his report and a notice to show cause was issued to the Petitioner. The disciplinary authority came to the conclusion that the charges

were proved and that the finding of misconduct warranted a punishment of removal. An application was moved before the National Industrial Tribunal for its approval under Section 33(2)(b) of the Industrial Disputes Act, 1947. The finding of fact which has been recorded by the Tribunal is that together with the letter dated 14th March, 2000 (Exh.C to these proceedings) a cheque in the amount of Rs.9,160/- being one months wages was forwarded to the Petitioner and was duly served at his residence. The Tribunal has held that there is no violation of the principles of natural justice in the course of the enquiry. The findings cannot be regarded as perverse. The findings of the Tribunal which have been arrived at in the course of its decision on an approval application under Section 33(2)(b) do not warrant any interference of the Court. The Petition is accordingly rejected.